

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**David Boyle,**

*Petitioner,*

**v.**

**Case No. 3:19-cv-312  
Judge Thomas M. Rose**

**Warden, Chillicothe Correctional Institution,**

*Respondent.*

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**DECISION AND ENTRY ADOPTING SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE MERZ (ECF 8), SUPPLEMENTAL REPORT AND RECOMMENDATIONS (ECF 5), AND REPORT AND RECOMMENDATIONS (ECF 2), AND OVERRULING PETITIONER'S OBJECTIONS TO SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (ECF 9), PETITIONER'S OBJECTIONS TO SUPPLEMENTAL REPORT AND RECOMMENDATIONS (ECF 6), AND PETITIONER'S OBJECTIONS TO REPORT AND RECOMMENDATIONS (ECF 3), DENYING PETITION FOR WRIT OF HABEAS CORPUS, (ECF 1), AND TERMINATING THE INSTANT CASE.**

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Pending before the Court are Petitioner's Objections to Second Supplemental Report and Recommendations (ECF 9), Petitioner's Objections to Supplemental Report and Recommendations (ECF 6), and Objection to Magistrate's Report and Recommendations. (ECF 3).

Magistrate Judge Michael R. Merz's Report and Recommendations (ECF 2), Supplemental Report and Recommendations (ECF 5), and Second Supplemental Report and Recommendations (ECF 8), all recommend dismissing Petitioner's Petition for Writ of Habeas Corpus, (ECF 1), and

denying permission to proceed *in forma pauperis*.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Petitioner's objections, (ECF 3, 6, 9), to the Magistrate Judge's Report and Recommendations, (ECF 2, 5, 8), are not well taken and they are hereby **OVERRULED**. The Magistrate Judge's Report and Recommendations, (ECF 2, 5, 8), are **ADOPTED**. Wherefore, the Court **DISMISSES** the Petition (ECF 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Petitioner should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

**DONE** and **ORDERED** this Tuesday, January 14, 2020.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE